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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council the attached letter and plan, prepared by the Director-General of the International Atomic Energy Agency pursuant to paragraph 13 of Security Council resolution 687 (1991), for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of that resolution.

Annex

Letter dated 29 July 1991 from the Director-General of the International Atomic Energy Agency addressed to the Secretary-General

Pursuant to paragraph 13 of Security Council resolution 687 (1991), please find attached the plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of that resolution. I would appreciate it if you would submit this plan to the Security Council.

(Signed) Hans BLIX

Enclosure

Vienna
29 July 1991

Plan for future ongoing monitoring and verification of Iraq's compliance with its undertaking under paragraph 12 of Security Council resolution 687

As provided for in paragraph 13 of Security Council resolution 687, adopted on 3 April 1991, the Agency submits to the Security Council for its approval this plan for future ongoing monitoring and verification of Iraq's compliance with its undertaking under paragraph 12 of resolution 687.

In accordance with paragraph 12 of the resolution, Iraq is obliged:

- not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above;

- to submit to the Secretary-General and the Director-General of the IAEA within 15 days of adoption of the resolution a declaration of the locations, amounts and types of items specified above;

- to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the IAEA, with the assistance and cooperation of the Special Commission appointed by the Secretary-General in accordance with paragraph 9 (b) of the resolution;

- to accept, in accordance with the arrangements provided for in paragraph 13 of the resolution, urgent on-site inspection and the destruction, removal or rendering harmless, as appropriate, of such items; and

- to accept the plan referred to in paragraph 13 for the future ongoing monitoring and verification of its compliance with these undertakings.

Pursuant to paragraph 13 of resolution 687, the Director-General of the International Atomic Energy Agency was requested, with the assistance and cooperation of the Special Commission:

- to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission;

- to develop a plan for submission to the Security Council within forty-five days following adoption of the resolution calling for the destruction, removal, or rendering harmless as appropriate of the items proscribed under in paragraph 12 of the resolution;

- to carry out the plan within forty-five days following its approval by the Security Council; and

- to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of the resolution, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections to confirm that Agency safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Security Council for approval within 120 days of adoption of the resolution.

The plan for future ongoing monitoring and verification has had to be developed while the immediate on-site inspection is still ongoing, and while the plan for the destruction, removal or rendering harmless of proscribed items is still in an early stage of implementation. Despite nearly 1,000 inspection days and an extensive mapping of nuclear activities in Iraq, the Agency has not yet been in a position to come to a conclusion on a complete inventory of activities and items in Iraq relevant to the resolution. In view of this, the present plan is, of necessity, provisional in nature, and may need to be supplemented in the light of results of the current ongoing activities undertaken by the IAEA in Iraq. The plan consists of two phases as described below. The role of the Agency in both phases will be to monitor and verify Iraq's compliance with its obligations under resolution 687, and any other relevant obligations determined by the Security Council.

I. Current and near-term monitoring and verification

The first phase is characterized by monitoring and verification activities related to the identification of all items proscribed under the resolution and to the removal, destruction or rendering harmless of all such items. This phase continues to be governed for the purpose of monitoring and verification by the existing arrangements reflected in the exchange of letters between the Secretary-General and the Foreign Minister of Iraq dated 6 May 1991 and 17 May 1991 concerning the privileges and immunities relevant to the conduct of activities pursuant to Security Council resolution 687. It is expected that during this phase, the sanctions currently imposed on Iraq by the Security Council will continue to apply and that the Security Council will continue to closely monitor the situation. As a practical matter, Iraq's nuclear activities during this period will be limited in nature. At this time, it is not possible to determine the duration of the first phase.

II. Future long-term monitoring and verification

The second phase of this plan will be put into operation by decision of the Security Council upon completion of all the activities contemplated in the first phase. In accepting unconditionally Security Council resolution 687, as indicated above, the Government of Iraq undertook inter alia not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above. During this phase, it is proposed, the IAEA will monitor and verify Iraq's compliance with these obligations.

The undertakings by Iraq under the resolution necessarily limit the nuclear activities otherwise open to Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In particular, reprocessing, enrichment and the possession of nuclear-weapons-usable material, and all related activities, are proscribed under the terms of Security Council resolution 687. The permissibility of Iraq's carrying out other nuclear activities is to a large measure dependent upon the position of the Security Council with regard to the continuation of sanctions.

The resolution does not define the term "nuclear-weapons-usable material". Nuclear-weapons-usable material or, as it is referred to in the practice of the Agency, direct-use material, is understood for the purposes of this plan to mean nuclear material which can be used for the manufacture of nuclear explosive components without transmutation or further enrichment. This includes plutonium containing less than 80 per cent plutonium-238, uranium enriched to 20 per cent or more U-235 (high-enriched uranium) and uranium-233. Chemical compounds, mixtures of direct-use materials (e.g. mixed oxide) and plutonium contained in spent nuclear fuel also fall in this category. For the purposes of the plan, and in view of the fact that Iraq will be prohibited from having reprocessing capability, the proscription against the possession of nuclear-weapons-usable material would not be interpreted as precluding the possession of plutonium in spent fuel resulting from the use of low-enriched uranium as fuel in a research or power reactor. To include such material in the proscription would necessitate the removal from Iraq of irradiated uranium enriched to 10 per cent which, in light of the small quantities of plutonium in the spent fuel, may not be cost-effective in relationship to the non-proliferation benefit.

The obligation not to acquire or develop any subsystems or components or any research, development, support or manufacturing facilities related to nuclear-weapons-usable material would preclude all activities relevant to or connected with reprocessing of irradiated fuel and isotopic enrichment of uranium. This proscription would extend to any research and development activities directed at reprocessing and isotopic enrichment technologies, as well as laboratory-, pilot- and industrial-scale facilities. This would also preclude conversion preparatory for reprocessing or for enrichment.

The undertaking not to acquire or develop nuclear weapons or any subsystems or components or any research, development, support or manufacturing facilities related to nuclear weapons would include items or components that could significantly contribute to or that are intended for use in the development or production of nuclear weapons. Certain dual-use items may be necessary for the conduct of permitted nuclear activities in Iraq in the future. The Agency's activities under the plan will include identification of such dual-use items and monitoring or verification of the use of such items.

General provisions

Under article II of the NPT, Iraq has an obligation not to acquire nuclear weapons or other nuclear explosive devices. The safeguards agreement with the Agency is designed to verify that nuclear material in peaceful nuclear activities is not diverted to such use. Iraq's undertakings under paragraph 12 of Security Council resolution 687 are broader in scope than any non-proliferation undertaking previously verified by the International Atomic Energy Agency. The plan for monitoring and verifying Iraq's compliance with those obligations will have to be commensurate with the scope of the undertakings and be so designed as to create confidence that the restrictions accepted by Iraq are actually complied with. This requires a more comprehensive approach than heretofore applied by the Agency.

Resolution 687 notes that the actions required of Iraq, including those relevant to nuclear weapons and nuclear-weapons-usable material, represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction. The terms of any such zone would have to be negotiated between the parties to such an arrangement. Nevertheless, verification features envisaged in the present plan may be found of interest in future discussions about verification in such a zone.

The plan is based on the following premises:

(a) The verification and monitoring activities contemplated in the plan will be carried out by the IAEA in accordance with detailed modalities to be developed by the Agency.

(b) All nuclear material, facilities and installations, as well as equipment and non-nuclear material which, in the judgement of the IAEA, is relevant to Iraq's undertaking under the resolution, shall be subject to monitoring and verification. The items subject to monitoring and verification will be identified to Iraq by the IAEA. This list of items may be added to or modified from time to time by the IAEA.

(c) While the approaches and techniques to be used under the plan draw upon the Agency's safeguards experience, the scope and intensity of the verification and monitoring under this plan are much greater in order to satisfy the requirements of Security Council resolution 687. These measures may be administered and operated by a special Secretariat unit.

(d) The safeguards agreement concluded with Iraq pursuant to the NPT shall continue to be in force. The verification activities pursuant to this plan will be carried out in a manner that takes into account the safeguards activities required under the safeguards agreement.

(e) In accordance with articles IX and VII of the Agreement Governing the Relationship between the United Nations and the International Atomic Energy Agency,* the Agency will report on the implementation of the plan to the Security Council at its request, and to any subsidiary organ that the Council may designate (i.e., the Special Commission or its successor).

(f) The activities under the plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of the resolution (nuclear) will be closely coordinated with the monitoring and verification activities relevant to Iraq's compliance with paragraph 10 of the resolution (chemical, biological and missile), and with the body designated by the Security Council to carry out these activities (i.e., the Special Commission or its successor).

(g) Financing of the verification and monitoring activities by the Agency in Iraq under the present plan will be secured by the United Nations.

Obligations of Iraq

Iraq shall provide to the Agency, and maintain current, the following:

(a) An inventory of all nuclear material in Iraq, including nuclear material containing uranium or thorium which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, and notification to the Agency one month in advance of any change in the inventory; the inventory and any changes thereto shall include quantity, form, composition, location and use of such material.

(b) An inventory of all facilities and installations, as well as equipment and non-nuclear material relevant to Iraq's undertaking, and notification one month in advance of any change in the inventory; the inventory and any changes thereto shall include quantity, form and composition of such items, where applicable, as well as the location and use of all items on the inventory.

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* Article IX provides that the Agency "shall cooperate with the Security Council by furnishing to it at its request such information and assistance as may be required in the exercise of its responsibility for the maintenance or restoration of international peace and security."

Article VII provides inter alia that, "At the invitation of the Security Council, the Director-General may attend its meetings to supply it with information or give it other assistance within the competence of the Agency."

(c) Complete design information for any planned nuclear facility or installation 180 days before the start of construction of any such facility or installation.

(d) Information on Iraq's nuclear programme one year in advance and any changes to that programme before they are made.

(e) Other information or data which the Agency requires to enable it to monitor Iraq's compliance with resolution 687 and any other relevant Security Council resolutions.

Obligations of other States

Paragraphs 24, 25 and 27 of Security Council resolution 687, inter alia, direct States not to provide to Iraq any of the items proscribed in paragraph 12 of that resolution. In addition to that proscription, all States should be required by the Security Council to provide the Agency, one month in advance, with full and complete reporting of intended exports to Iraq of nuclear material, facilities, equipment, technological information, including training, and any other relevant items, including non-nuclear materials which could be used in proscribed activities. The IAEA will submit to the Security Council a list of items the export of which should be subject to advance reporting.

Rights of the IAEA

Without prejudice to the rights which the Agency has under the safeguards agreement with Iraq and under the Agreement on the Privileges and Immunities of the IAEA, the Agency should have the following rights to the extent deemed necessary by the Agency to enable it to carry out its verification and monitoring activities under the resolution. These rights are similar to those contained in the exchange of letters between the Secretary-General of the United Nations and the Government of Iraq dated 6 May 1991 and 17 May 1991 concerning privileges and immunities relevant to the conduct of activities pursuant to Security Council resolution 687.

(a) The right, on its own initiative or at the request of the Security Council or any body established or designated by it (i.e., the Special Commission or its successor), to carry out inspections of any locations or facilities in Iraq.

(b) The right to full and free access at any time to all locations, all persons and all information which, in the Agency's judgement, may be necessary for the verification of Iraq's undertaking. This includes unimpeded access to all nuclear material, facilities and installations, as well as equipment and non-nuclear material relevant to Iraq's undertaking, and the right to conduct unannounced inspections and inspections upon short notice. This also includes the right of the Agency to restrict and/or stop movement of suspected material and equipment.

(c) Freedom of entry and exit to and from Iraq without delay of Agency personnel and experts, supplies and equipment. No visas shall be required of such personnel travelling on a United Nations laissez-passer and possessing an inspection assignment document.

(d) Freedom of movement within Iraq of Agency personnel and experts, supplies and equipment.

(e) The right to request, receive, examine and copy any record, data or information and examine, retain, move or photograph, including videotape, any item relevant to the Agency's monitoring and verification activities.

(f) The right to install equipment and construct facilities for observation, testing, verification or monitoring activities.

(g) The right to take and analyse samples relevant to the Agency's monitoring and verification activities, as well as to remove and export samples for off-site analysis.

(h) The right to have its own means of transport and communication and the right to unrestricted communication by telephone, telegraph, radio or other means.

(i) The right to use fixed wing and helicopter overflights throughout Iraq for the purposes of inspection, surveillance, transportation and logistics.

Duration

The duration of the verification and monitoring plan established under Security Council resolution 687 shall be decided by the Security Council.